

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1636

Introduced by Assembly Member Kehoe
(Coauthor: Senator Alpert)

February 21, 2003

~~An act to add Section 54957.11 to the Government Code, relating to open meetings.~~ *An act to amend Section 47606 of the Education Code, relating to charter schools.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1636, as amended, Kehoe. ~~Open meetings; closed sessions; assessment~~ *Charter school district conversion: approval.*

(1) Existing law authorizes a school district to convert all of its schools to charter schools if certain conditions are met and the petition receives joint approval by the Superintendent of Public Instruction and the State Board of Education.

This bill would instead require approval only from the county board of education of the county in which the district is located. The bill would further provide that any renewal of a petition approved by joint action of the Superintendent of Public Instruction and the State Board of Education prior to January 1, 2004, may be granted only by the county board of education of the county in which the school district is located.

The bill would further require the petitioner or petitioners, upon approval or renewal of a petition, to provide written notice, as specified, to the State Department of Education and the State Board of Education.

Because this bill would expand the duties of the county boards of education, this bill would impose a state-mandated local program.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~The Ralph M. Brown Act generally requires that the meetings of the legislative body of a local agency be conducted openly and publicly, but also provides that the legislative body of a local agency may hold closed sessions for specified purposes.~~

~~This bill would provide that, notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to conduct an assessment of its performance in governance, practices and procedures, and ethics, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency. The bill also would provide that a closed session held for this purpose may include a person who will conduct an assessment or provide training related to an assessment.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 54957.11 is added to the Government~~
- 2 ~~SECTION 1. Section 47606 of the Education Code is~~
- 3 ~~amended to read:~~
- 4 47606. (a) A school district may convert all of its schools to
- 5 charter schools under this part ~~only~~ if it meets all of the following
- 6 conditions:
- 7 (1) Fifty percent of the teachers ~~within~~ *employed by* the school
- 8 district sign the charter petition.
- 9 (2) The charter petition contains all of the requirements set
- 10 forth in subdivisions (b), (c), (d), (e), and (f) of Section 47605 and
- 11 a provision that specifies alternative public school attendance

1 arrangements for pupils residing within the *attendance boundaries*
2 *of the school district* who choose not to attend charter schools.

3 (b) Notwithstanding subdivision (b) of Section 47605, the
4 districtwide charter petition shall be approved only by ~~joint action~~
5 ~~of the Superintendent of Public Instruction and the State Board of~~
6 ~~Education~~ *the county board of education of the county in which the*
7 *school district is located.*

8 (c) *Districtwide charter petitions approved by joint action of*
9 *the Superintendent of Public Instruction and the State Board of*
10 *Education prior to January 1, 2004, may be granted renewals only*
11 *by the county board of education of the county in which the school*
12 *district is located.*

13 (d) *Upon approval or renewal of the petition by the county*
14 *board of education, the petitioner or petitioners shall provide*
15 *written notice of that approval or renewal, including a copy of the*
16 *petition, to the State Department of Education and the State Board*
17 *of Education.*

18 SEC. 2. *Notwithstanding Section 17610 of the Government*
19 *Code, if the Commission on State Mandates determines that this*
20 *act contains costs mandated by the state, reimbursement to local*
21 *agencies and school districts for those costs shall be made*
22 *pursuant to Part 7 (commencing with Section 17500) of Division*
23 *4 of Title 2 of the Government Code. If the statewide cost of the*
24 *claim for reimbursement does not exceed one million dollars*
25 *(\$1,000,000), reimbursement shall be made from the State*
26 *Mandates Claims Fund.*

27 ~~Code, to read:~~

28 ~~54957.11. (a) Notwithstanding any other provision of law, a~~
29 ~~legislative body of a local agency may hold closed sessions to~~
30 ~~conduct an assessment of its performance in governance, practices~~
31 ~~and procedures, and ethics. However, this exception shall only be~~
32 ~~applicable if a majority of the members do not discuss, among~~
33 ~~themselves, business of a specific nature that is within the subject~~
34 ~~matter jurisdiction of the legislative body of the local agency.~~

35 ~~(b) A closed session held pursuant to this section may include~~
36 ~~a person who will conduct an assessment or provide training~~
37 ~~related to an assessment.~~